

NOTICE AND AGENDA
SUNNYVALE CITY COUNCIL
and
SUNNYVALE REDEVELOPMENT SUCCESSOR AGENCY
TUESDAY, JUNE 19, 2012
COUNCIL CHAMBERS and WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

6 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Closed Session pursuant to Government Code Section 54956.9(a) and (c)
Conference with Legal Counsel – Existing Litigation and Initiation of Litigation
Case name: Wachovia Bank vs. Downtown Sunnyvale Residential, LLC, et al., Santa Clara County Superior Court Case No. 1-09-CV-153447 and one potential case
4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

CLOSED SESSION REPORT FOR JUNE 19, 2012

Closed Session pursuant to Government Code Section 54956.9(a) and (c) – Conference with Conference with Legal Counsel – Existing Litigation and Initiation of Litigation

SPECIAL ORDER OF THE DAY - Tobacco Free Coalition of Santa Clara County and Community Advocate Teens of Today (CATT) Award

SPECIAL ORDER OF THE DAY - Parks and Recreation Month

SPECIAL ORDER OF THE DAY - Presentation to MDA from the Annual “Fill the Boot” Fundraiser

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of June 12, 2012
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 12-154 No. 611

Staff Recommendation: Approve the list of bills.
Staff Contact: Pete Gonda, (408) 730-7418

- 1.D. MOTION Appropriation of \$39,068 of Communities Putting Prevention to Work
RTC 12-157 (CPPW) Grant Funds and Approval of Budget Modification No. 42

Staff Recommendation: Alternative 1: Approve Budget Modification No. 42 to appropriate CPPW Grant Funds in the amount of \$39,068.
Staff Contact: Angela Chan, (408) 730-7803

- 1.E. MOTION Employee Benefits Contract Renewals – Life/AD&D Insurance, Long Term
RTC 12-146 Disability Insurance, and the Employee Assistance Program

Staff Recommendation: Alternative 1: Authorize the City Manager or his designee, to enter into a contract with CSAC-EIA for the period of July 1, 2012 – June 30, 2014 for the City’s Life/AD&D Insurance and Long Term Disability Insurance. Additionally, authorize the City Manager or his designee, to enter into a contract with CSAC-EIA for the period of July 1, 2012 – June 30, 2015 for the City’s EAP benefit. Further, provide the City Manager or his designee, authority to sign future Life Insurance/AD&D, LTD, and EAP contracts.
Staff Contact: Lisa Velasco, (408) 730-7534

- 1.F. MOTION FY 2011/2012 NOVA Workforce Services Department Expenditure Update
RTC 12-149 and Approval of Budget Modification No. 38

Staff Recommendation: Alternative 1: Approve Budget Modification No. 38. This action would bring the budgeted expenditures for NOVA Workforce Services Department into alignment with anticipated expenditures for FY 2011/2012

Staff Contact: Kris Stadelman, (408) 730-7233

Contracts

- 1.G. MOTION Award of Contract for Morse Avenue Neighborhood Park Development-
RTC 12-151 Remedial Soil Excavation (F1104-59)

Staff Recommendation: That Council 1) award a contract in the amount of \$719,602 to Evans Brothers, Inc. for the subject project and authorize the City Manager to execute the contract when all necessary conditions have been met; and 2) approve a 15% construction contingency in the amount of \$107,940.

Staff Contact: Pete Gonda , (408) 730- 7418

- 1.H. MOTION Authorization to Amend an Existing Contract for Design Services for the
RTC 12-155 Rehabilitation of Air Flotation Thickeners at the Water Pollution Control
Plant (F1104-60).

Staff Recommendation: Authorize an amendment to an existing contract with RMC Water and Environment for design services for four Air Flotation Thickeners at the Water Pollution Control Plant to increase the total contract value by \$75,400 to a total of \$478,500 for additional design services.

Staff Contact: Pete Gonda , (408) 730- 7418

Other Items

- 1.I. MOTION Authorization for the City Manager to Execute a Homestead Road
RTC 12-153 Traffic Signal Maintenance and Operations Agreement Between the
City of Sunnyvale and the City of Cupertino.

Staff Recommendation: Alternative 1: Authorize the City manager to execute an agreement between the City of Sunnyvale and the City of Cupertino regarding the operation and maintenance of traffic signals on Homestead Road.

Staff Contact: Jack Witthaus, (408) 730- 7330

- 1.J. MOTION Approval of Final Map (Tract No. 10101) – Fifty-One New Single-
RTC 12-152 Family Home Development at 700 Timberpine Avenue by Toll CA VI,
LP

Staff Recommendation: Approve the final map for Tract No. 10101; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and forward the final map for recordation.

Staff Contact: Bennett Chun, (408) 730- 7636

- 1.K. MOTION Approval of Various Actions Regarding a Parcel Map for Carmel
RTC 12-147 Partners to Construct a Mixed Use Development at Olsen Way
between Frances Street and Aries Way.

Staff Recommendation: That City Council 1) Authorize the Director of Public Works to execute the Subdivision Agreement, the NOTICE OF COVENANT and the MAINTENANCE AGREEMENT, and forward those signed documents for recordation; 2) Authorize the Director of Public Works to sign the Certificate of Abandonment to vacate portions of existing rights-of-way for public street and bus shelter purpose; and 3) Authorize the Director of Public Works and the Director of Community Development to sign the parcel map and forward for recordation, upon Subdivider's execution of all documents listed under item 1, payment of development fees and submittal of other documents deemed necessary by the Director of Public Works.

Staff Contact: Bennett Chun, (408) 730-7636

PUBLIC COMMENTS

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PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 5 minutes for closing comments.***

2. MOTION Adoption of the FY 2012/2013 Budget, Fee Schedule, and Appropriations
RTC 12-159 Limit

Staff Recommendation: Alternative 1: Approve the resolutions to adopt the FY 2012-2013 Budget, Fee Schedule, and Appropriations Limit as presented.

Staff Contact: Drew Corbett, (408) 730- 7603

3. ORDINANCE Introduce a Bicyclist Anti-Harassment Ordinance – STUDY ISSUE DPW
RTC 12-150 12-01

Staff Recommendation: Alternative 1: Introduce an ordinance adopting a bicyclist anti-harassment ordinance.

*** City Clerk reads the ordinance title. ***

Staff Contact: Jack Witthaus (408) 730-7330

4. MOTION Authorization to Accept a Metropolitan Transportation Commission Grant, Award of a Contract for Urban Planning for Phase 2 of the Lawrence Station Area Plan (SAP) and Approval of Budget Modification No. 40 (F1111-32) – *Continued from June 12, 2012*

Staff Recommendation: Alternative 2: Award a contract, in substantially the same form as the attached draft and in the amount of \$349,978 to BMS Design Group to assist the Community Development Department to prepare Phase 2 of the Lawrence Station Area Plan (SAP), and authorize the City Manager to execute the contract when all the necessary conditions have been met.

Staff Contact: Pete Gonda, (408) 730-7418

5. MOTION 2012-7070 - JP DiNapoli Companies Inc. / Sequoia M & M LLC:
RTC 12-158 Application on a 14.2-acre site located at 505 North Mathilda Avenue in an M-S-55% & M-S-70% Zoning District (APN: 165-42-005 - 009). Rezone multiple properties from MS-55% FAR and MS-70% FAR to MS-100% FAR and to allow an increase in the maximum height to 100 feet in MS-100% FAR areas Design Review to allow a 612,072 square foot R&D campus consisting of two new six-story office buildings, one new four-story building and an existing three story office building with a new five-level parking structure resulting in a 99.4% FAR

Staff Recommendation: Alternative 1: Recommend the City Council

a. Adopt the Mitigated Negative Declaration

b. Introduce an Ordinance to amend the zoning code for 505-599 N. Mathilda Ave., 683 W. Maude Ave, and 510 N. Pastoria Ave. from M-S-55% and M-S-70% to M-S-100%,

c. Modify S.M.C. 19.32.020 related to height for the M-S-100% FAR zoning district to a maximum 100 feet.

d. Approve the Design Review with the attached conditions (including Planning Commission modifications).

e. Direct staff to return with zoning code modifications for the Futures intensification sites developed at more than 70% FAR. The amendments should address requirements for:

i. Housing Mitigation Fees

ii. Transportation Demand Management Requirements

f. Direct staff to return with Green Building program modifications for the Futures intensification sites developed at more than 70% FAR.

g. Deduct 194,577 s.f. from the Citywide Development Pool, based on the difference in floor area allowed under the current zoning and the proposed project.

Staff Contact: Ryan Kuchenig , (408) 730- 7431

6. MOTION Amend Civil Service Rules and Regulations
RTC 12-140

Staff Recommendation: Alternative 1: Adopt the amended Civil Service Rules and Regulations as recommended by the Personnel Board.

Staff Contact: Doug Baker, (408) 730-2705

7. MOTION Adoption of a New Policy on Access to Confidential and Non-Public
RTC 12-156 Information and Materials. Amendment to Policy 7.3.13 Relative to the
Allotment of Staff Time to Requests from Councilmembers

Staff Recommendation: Alternatives 1 and 2: Approve the amendment to Policy 7.3.13 and
Policy 7.3.25 as presented.

Staff Contact: Michael Martello, (408) 730-7462

**COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE
ASSIGNMENTS**

NON-AGENDA ITEMS & COMMENTS

- Council
- City Manager

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Board of Library Trustees Meeting of May 21, 2012
- Draft Minutes of the Heritage Preservation Commission Meeting on June 7, 2012.
- Draft Minutes of the Sustainability Commission Meeting on May 21, 2012.
- Study Session Summary of June 12, 2012 – NASA proposal

ADJOURN TO THE SUNNYVALE REDEVELOPMENT SUCCESSOR AGENCY

SUNNYVALE REDEVELOPMENT SUCCESSOR AGENCY

ROLL CALL

CONSENT CALENDAR

- RSA 1.A. MOTION Approval of Draft Minutes of Successor Agency Meeting of April 24, 2012
- RSA 1.B. MOTION Approval of a No-Build Easement and Outdoor Dining License
RSA 12-003 Agreement on Plaza del Sol

Staff Recommendation: Successor Agency approve:

1. No-Build Easement: Approve the easement on Plaza del Sol between City of Sunnyvale and Carmel Partners to prohibit buildings/structures, provide emergency fire services, provide building access, and provide pedestrian access on, over and across the easement area.
2. Outdoor Eating License: Approve irrevocable license agreement on Plaza del Sol between Successor Agency and Carmel Partners for outdoor dining and uses compatible with retail uses, subject to approval by Successor Agency counsel.
3. Bus Shelter: Approve the new location of the bus shelter on Plaza del Sol. Staff Contact: Shaunn Mendrin, (408) 730-7429

PUBLIC COMMENTS

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ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
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Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
June 19, 2012	Council Meeting	7 p.m.	Council Chambers
July 17, 2012	Council Meeting	7 p.m.	Council Chambers
July 31, 2012	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

June 18, 2012	Sustainability Commission	7 p.m.	West Conference Rm
June 20, 2012	Arts Commission	7 p.m.	Community Center Conference Room
June 21, 2012	Bicycle and Pedestrian Advisory Commission - Canceled	6:30 p.m.	West Conference Rm
June 25, 2012	Planning Commission Study Session	7 p.m.	West Conference Rm
June 25, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
June 27, 2012	Zoning Administrator Hearing	2 p.m.	West Conference Rm
July 2, 2012	Board of Library Trustees	7 p.m.	Library Program Rm
July 9, 2012	Planning Commission Study Session	7 p.m.	West Conference Rm
July 9, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 11, 2012	Zoning Administrator Hearing	2 p.m.	West Conference Rm
July 11, 2012	Heritage Preservation Commission	7 p.m.	West Conference Rm
July 11, 2012	Parks and Recreation Commission	7 p.m.	Council Chambers
July 16, 2012	Sustainability Commission	7 p.m.	West Conference Rm
July 18, 2012	Arts Commission	7 p.m.	Council Chambers
July 19, 2012	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
July 23, 2012	Planning Commission Public Hearing	8 p.m.	Council Chambers
July 25, 2012	Zoning Administrator Hearing	2 p.m.	West Conference Rm
July 25, 2012	Housing & Human Services Commission	7 p.m.	West Conference Rm
August 8, 2012	Parks and Recreation Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

June 19, 2012	City Council Meeting – Live	7 p.m.
July 17, 2012	City Council Meeting – Live	7 p.m.